

REMARKS

This Response is offered in reply to the office action of November 17, 2004. A petition and fee for a three month time extension are enclosed, making this response due on May 17, 2005.

Applicant appreciates allowance of claims 1-9, 24, 25, 28-34, and 53-56 and the indicated allowability of the subject matter of claims 17, 19, and 50 as set forth on page 7 of the office action.

On page 2 of the office action, claim 20 is rejected under 35 USC 102(b) in view of US Patent 5 111 626.

This rejection is believed to be patently incorrect. In particular, the '626 patent discloses an inner shell 23 and outer shell 24 spaced apart with the space between the inner and outer walls filled with foam. The examiner alleges that the '626 patent discloses an integral bed (32, 54) and a desk (42).

Applicant adamantly disagrees. In Figure 3 of the cited patent, the settee 32 shown is convertible to a berth 35. In Figure 4, the settee backrest 33 is shown pivoting down to around pivot point 34 to form the berth 35. Contrary to the examiner's allegation, the backrest 33 and settee 32 comprise a separate subassembly which is attached to the inner shell 23 of the modular unit. The same is true of desk 42 which folds down from the inner shell. The desk 42 comprises a separate subassembly which is attached to the inner shell 23 of the modular unit. For example, Figures 5, 6, 7, and 8 show a fold-down berth 52 and desk 42 as separate subassemblies attached to the inner shell.

The '626 patent does not disclose a modular living enclosure as set forth in claim 20 comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, at least one of the enclosure sections being molded to form an integral bed surface above the floor and an integral desk surface above the floor.

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As is apparent, the '626 patent discloses berth 35, 52 and desk 42 which comprise separate subassemblies attached to the inner shell 23 of the modular unit in a manner contrary to claim 20 wherein at least one of the enclosure sections is recited as being molded to form an integral bed surface above the floor and an integral desk surface above the floor. The examiner will appreciate that the fold-down berth 35, 52 and desk 42 of '626 patent cannot be integrally molded with shells 23, 24 and still fold-down.

Reconsideration of the rejection of claim 20 is requested.

Also on page 2 of the office action, claim 52 is rejected under 35 USC 102(b) in view of US Patent 5 111 626.

This rejection is believed patently incorrect for the same reasons as the rejection of claim 20.

Reconsideration of the rejection of claim 52 is requested.

On page 3 of the office action, claims 11, 14, 15, 41, and 42 are rejected under 35 USC 103(a) in view of US Patent 2 486 371 taken with US Patent 5 398 465.

This rejection is believed to be patently incorrect. In particular, the '371 patent discloses a bathroom construction of metal sheets or plates formed to the desired shapes by cutting, drawing, or stamping and then assembled together by welding, soldering, or brazing to form a lower portion of the bathroom without a top wall, thus not providing an enclosure as recited in Applicant's claim 11.

The bathroom construction of the '371 patent includes a hollow structure 22 that forms a wall of the bath tub and a seat formed by a flat top 22a of the structure 22. The seat formed by the flat top 22a of the metal structure cannot be reasonably considered as an integral bed surface for sleeping as set forth in claim 11.

On page 3, the examiner acknowledges that the surface 22a is not an integral bed surface, but then proceeds to argue that there

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is nothing to preclude surface 22a from being a bed. Applicant firstly would point out that this is not the proper standard for evaluating what the '371 patent teaches. Applicant secondly would point out the '371 patent relates to a bathroom construction and not a bedroom construction and that the surface 22a is adjacent to a bathtub 12 such that the surface 22a would not be reasonably considered a bed for sleeping, either when the bathtub is filled with water or is empty due to possibility of falling into the bathtub while sleeping. The examiner's argument appears to Applicant to constitute a prohibited hindsight analysis of the claims that flies against common knowledge.

The examiner acknowledges that the '371 patent does not teach that the bathroom construction is made of plastic and cites the '465 patent in an attempt to remedy this deficiency in the '371 patent. Applicant firstly would point out that the '371 patent does not provide a modular living enclosure as set forth in claim 11 having, in combination with the other features set forth, a top wall. Instead, the '371 patent describes a bathroom construction having no top wall at all. Thus, even if the bathroom construction of the '371 patent were made of plastic, it would not yield Applicant's claimed modular living enclosure.

Moreover, both the '371 patent and the '465 patent relate to a bathroom construction or portable bathroom cabin, respectively. Neither reasonably teaches a modular living enclosure for occupancy by a person comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, at least one of the enclosure sections being molded to form a bathroom feature including a toilet and at least one of the enclosure sections being molded to form an integral bed surface for sleeping. There is simply is no suggestion in the cited patents taken alone or together of claim 11.

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Applicant's claims 14, 15, 41 and 42 recite further features in combination with the features recited Applicant's claim 11. The combinations of features set forth in claims 14, 15, 41, and 42 are not disclosed or suggested by the cited '371 patent and '465 patent taken alone or together.

Reconsideration of the rejection of claims 11, 14, 15, 41 and 42 is requested.

On page 4 of the office action, claim 13 is rejected under 35 USC 103(a) in view of US Patent 2 486 371 taken with US Patent 5 398 465 and the further US Patent 3 533 200.

This rejection is believed to be patently incorrect. In particular, the deficiencies of the '371 patent and the '465 patent are described above. The examiner acknowledges that these patents do not disclose a "garbage disposal system".

The examiner cites the '200 patent as allegedly showing a garbage disposal 40, 41, 45 that communicates to the toilet 15. Applicant believes the examiner is utterly incorrect. In contrast, the patent discloses hot and cold water piping 40, 41 provided to carry water to washbasin 17 and waste piping 45 provided to carry waste water from the drains of the washbasin and bathtub. A separate waste pipe is provided for the toilet 15. However, nowhere in the '200 patent is there any teaching of an electric garbage disposal communicated to the toilet for comminuting toilet waste as set forth in pending claim 13.

Reconsideration of the rejection of claim 13 is requested.

On page 4 of the office action, claim 18 is rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with US Patent 5 398 352 and the further US Patent 5 398 465.

This rejection is believed patently incorrect. The examiner acknowledges that the '200 patent has no floor drain. The examiner cites the '352 patent as having a floor drain. However, the examiner will note that the floor drain 19 of the '352 patent

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drains to a sewer and not to a sump chamber having a sump pump therein. Applicant believes the examiner's attempted combination of the '465 patent with the '352 patent is not correct since the latter drains the floor drain 19 to a sewer and not a sump chamber having sump pump therein. The '352 patent and the '465 patent are not properly combined given their utterly disparate teachings. Moreover, not one of the cited patents discloses or suggests an electric garbage disposal communicated to the toilet for comminuting toilet waste as set forth in pending claim 18.

Reconsideration of the rejection of claim 18 is requested.

On page 5 of the office action, claims 35-42 are rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with US Patent 5 111 626.

This rejection is believed patently incorrect. Firstly, the '200 patent does not teach a people housing system, but rather only a room facility such as a bathroom. The '626 patent discloses a traveler rest facility connected to a service unit or cart, which itself is connected only to outside electricity. The service unit or cart supplies water and collects waste but is not connected to outside water/waste service when in use. Applicant does not believe the '200 patent and the '626 patent are properly combined as proposed by the examiner given the above-noted gross disparities between their teachings.

Contrary to the examiner's allegation, the '626 patent is silent with respect to an individual modular living enclosure having an electrical actuator connected to building electrical service to control water flow from the building water service to the bathroom feature and wherein each individual modular living enclosure includes a programmable computer control unit connected to the electrical actuator of each modular living enclosure for controlling the electrical actuator of each modular living

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enclosure in a manner to control water flow to a respective individual modular living enclosure in programmed manner. As mentioned, the service unit or cart supplies water and collects waste but is not connected to outside water/waste service when in use.

Thus, the proposed combination of the '200 patent with the '465 patent, although improper, does not yield Applicant's claim 35.

Moreover, as mentioned in Applicant's last-filed response, the logic control means 119 of the '626 patent can be a relay-based control system that provides the logic control function but does not comprise programmable computer control unit for controlling the electrical actuator of each modular living enclosure in a manner to control water flow from building water service to a respective individual modular living enclosure in programmed manner.

With respect to claim 38, the '626 patent does not disclose a programmable computer control unit that controls electrical power to a water sprinkler of a respective individual enclosure in response to a temperature or smoke sensor of respective individual modular living enclosures.

With respect to claim 40, the '626 patent does not disclose a programmable computer control unit that controls electrical power to a sump pump in a sump chamber of a respective individual modular living enclosure. For example, in the '626 patent, a waste discharge pump 113 is used to discharge waste from tank 83 when the service unit is being replenished.

Reconsideration of the rejection of claims 35-42 is requested.

On page 6 of the office action, claims 43-49 are rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with US Patent 5 111 626.

Claim 43 has been amended in a manner to render claims 43-49 allowable. The '200 patent and the '465 patent taken alone or together do not disclose or suggest an electric garbage disposal communicated to the toilet for comminuting toilet waste.

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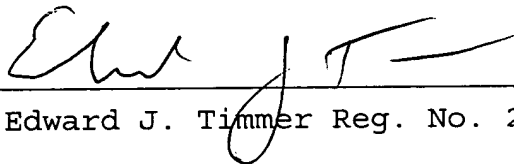
Reconsideration of the rejection of claims 43-49 is requested.

On page 7 of the office action, claim 51 is rejected under 35 USC 103(a) in view of US Patent 5 398 465 taken with US Reissue 30 961.

Claim 51 has been amended to incorporate features of original claim 2 and distinguish over the cited patents. Claim 51 is believed allowable. Action to that end is requested.

The pending claims are believed to be in allowable condition, and action to that end is requested.

Respectfully submitted,

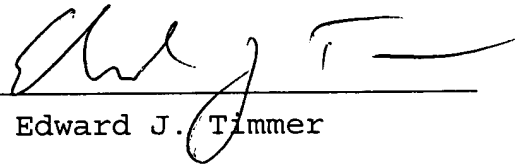


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I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 17, 2005.



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